

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
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Interconnection Between)
Local Exchange Carriers and)
Commercial Mobile Radio Service Providers;)
Equal Access and Interconnection)
Obligations Pertaining to)
Commercial Mobile Radio Service Providers)

CC Docket No.
95-185

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NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS
REQUEST TO EXTEND AND MODIFY THE COMMENT CYCLE

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February 2, 1996

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NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS
REQUEST TO EXTEND AND MODIFY THE COMMENT CYCLE

Pursuant to Sections 1.46 and 1.44 of the Federal Communication Commission's ("FCC" or "Commission") General Rules of Practice and Procedure, 47 C.F.R. Sections 1.46 and 1.44 (1995), the National Association of Regulatory Utility Commissioners ("NARUC") respectfully requests that the Commission modify the pleading cycle established in this proceeding by (1) extending the deadline for filing initial comments by four days from February 26 to February 28, 1996, and (2) increasing the time allowed to examine and reply to the initial comments from 15 days to twenty-five (25) days to March 24, 1996.

In support of this request, NARUC states the following:

I. BACKGROUND

NARUC is a quasi-governmental nonprofit organization founded in 1889. NARUC includes within its membership those governmental bodies of the fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands, which engage in the regulation of carriers and utilities.

NARUC's mission is to improve the quality and effectiveness of public utility regulation in America. More specifically, NARUC is composed of the State officials charged with the duty of regulating the telecommunications common carriers within their respective borders. As such, they have the obligation to assure the establishment of such telecommunications services and facilities as may be required by the public convenience and necessity, and the furnishing of service at rates that are just and reasonable. As discussed below, the FCC's proposed action in this docket will clearly impact upon this obligation.

II. THE FCC'S NPRM

Because of the government shutdown caused by the Congressional impasse on the Budget and inclement weather, the Notice of Proposed Rulemaking ("NPRM") in the above captioned docket, which was adopted in open session by this Commission on December 15, 1995, did not issue until January 11, 1996.

In this NPRM, the FCC, inter alia, invited parties to comment on whether it should adopt an interconnection model that is (1) not binding on state regulatory commissions, or (2) would bind state commissions either via broad parameters, or specific requirements. The Commission tentatively concluded that it has legal authority to preempt under these circumstances. The January 11, 1996 NPRM sets (i) February 26, 1996 as the date for interested persons to file initial comments on the FCC's proposed response, and (ii) March 12, 1996 as the final day to reply to those initial comments.

III. NARUC'S INTEREST

Clearly, any express intent to preempt state regulation, even on a limited basis, has an important impact on the ability of NARUC's membership to fulfill their respective responsibilities to serve the public interest. Indeed, the FCC has recognized the States' legitimate interests in interconnection issues and emphasized its intention to work in coordination with state regulators.¹

¹ See, NPRM, at ¶ 107 where the FCC states that it "intends to continue to work cooperatively with state regulators to formulate interconnection policies that advance our common.. goals." Cf, the 12/15/95 NEWS RELEASE, [Report DC 95-151] which "recognize[s] the states' legitimate interest in interconnection issues and emphasize[s] [the FCC's] intention to work in coordination with state regulators." See also, Commissioner Barrett's 12/15/95 statement, suggesting it "...is important to acknowledge the significant role our State colleagues have taken in connection with...interconnection issues," "recogniz[ing] that the States have legitimate interests in this area," and suggesting the FCC's "continuing efforts..be fully coordinated with the State regulators." See also, Commissioner Ness's 12/15/95 statement suggesting "we must...maintain the federal-state cooperation that we have worked so hard to develop."

IV. BASIS FOR REQUEST

A - DELAY OF INITIAL COMMENT DATE: NARUC is holding its winter meetings during the last week of February. The meetings conclude two days after the original February 26 deadline for filing initial comments. Because of the importance of the issues presented by the NPRM, discussion of the issues and a proposal for a resolution to address the NPRM resolutions have been circulating among NARUC's Communication Committee since shortly after the text of the order issued. However, it will not be possible to achieve a formal NARUC consensus position until the winter meeting.

B - EXPANSION OF THE COMMENT CYCLE: In addition, the current comment cycle basically gives only about two weeks [15 days] for the States to examine the initial submissions and formulate reply comments.

It is likely that there will be voluminous and numerous comments in this docket. As much of the discussion is likely to address either directly or tangentially jurisdictional issues critical to the States, State advocates, including NARUC, will need to closely examine these pleadings. NARUC respectfully suggests that two weeks is not a sufficient length of time to examine the initial pleadings and formulate a reply to them.

The issues raised by the Commission in this docket are at least on par with those raised in the Numbering Portability Docket (CC 95-116; FCC 95-284), the "Emerging Competition" Price Cap Docket (CC 94-1, 93-124, 93-197; FCC 95-393), the Local Competition Data Collection Docket (CC 95-66), and numerous others. In each of these dockets, and in similar dockets, the FCC has routinely set the period between initial and reply comments at 30 days to afford interested parties and adequate opportunity to formulate replies.

In addition, it frequently takes a week, and sometimes more, for many States, particularly those in the western part of the country, to even get a complete set of the comments filed in any FCC proceeding. Moreover, many State commissions have pre-submission rules, similar to the FCC's 21 day rule, that require their Staffs to give their State Commissioners several days to approve pleadings before they can be filed.

V. REQUEST

Accordingly, NARUC requests that the FCC expand the time between initial and reply comments to at least 25 days to allow NARUC, and its individual State commission members, an adequate opportunity to examine the initial submissions of the parties and formulate replies. Moreover, because of the timing of the current initial comment date vis-a-vis NARUC's Winter meetings, we respectfully request that the FCC move the initial comment date back four days.

NARUC has been an active participant in every proceeding dealing with Commercial Mobile Radio Service issues. The FCC's proposed action (i) clearly raises issues of concern to the NARUC's state commission membership and (ii) could directly impact these members' ability to adhere to their respective mandates to serve the public interest.

No other participant's filed initial and reply comments can adequately represent the viewpoint of NARUC and its membership. This viewpoint is necessary to fully illuminate the issues raised by the FCC's proposal and assure a complete record upon which to base a decision. Hence, granting the requested modifications will serve the public interest by ensuring NARUC's, and its members, continued full participation.

Moreover, no party can be prejudiced by the delay. Because NARUC's winter meeting begins closely on the heels of the originally proposed filing dates, only a short extension is necessary to assure NARUC's full participation. Of course, granting a longer period of time to reply to initial comments affects all parties equally.

VI. CONCLUSION

Thus, because of the critical importance of the issues raised by the FCC's NPRM to NARUC's membership, the close proximity of NARUC's winter meeting to the deadlines already posed, NARUC's inability to formulate a consensus position on those critical issues until its winter meeting, and the need for an adequate review period to address the initial submissions, NARUC respectfully requests that the FCC extend the deadline for filing initial comments by four days from February 26 to February 28, 1996, and (2) increase the time allowed to examine and reply to the initial comments from 15 days to twenty-five (25) days to March 24, 1996.

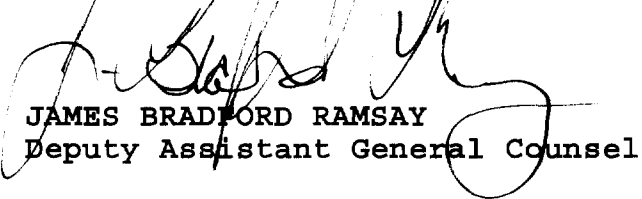
Respectfully submitted,



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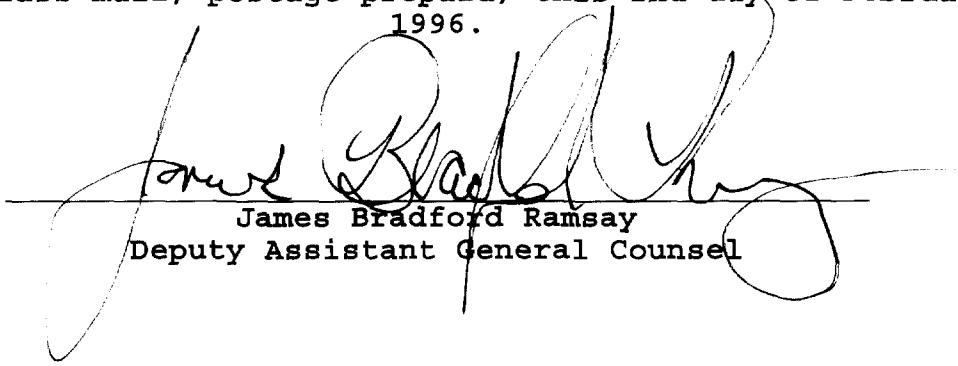
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February 2, 1996

CERTIFICATE OF SERVICE

I, JAMES BRADFORD RAMSAY, certify that I have served a copy of the foregoing on all the parties on the attached service list by first class mail, postage prepaid, this 2nd day of February, 1996.



James Bradford Ramsay
Deputy Assistant General Counsel

February 2, 1996

**In the Matter of Computer III Remand Proceeding: Bell Operating
Company Safeguards; and Tier 1 Local Exchange Company Safeguards,**

CC Docket No. 90-623
(FCC 90-416 38073)

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